

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1404 of 1996

STATE OF GUJARAT

Versus

PRAVINCHANDRA HIMATLAL KUNDALIA

Appearance:

MR SP HASURKAR for Petitioners

MR RM CHHAYA for Respondent No. 1

MR MUKESH PATEL, AGP for Respondent No. 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed of accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No.ULC/1099-602/V1 dated 15th April 1999.

6. I may merely note that the petitioners have asserted in the petition that a notification under section 10(3) of the Act of 1976 has been published, and that a panchnama whereby possession was taken of the

property in question was drawn by the competent authority. I am merely making a note of the assertion made in the petition which has not been controverted by any affidavit in reply by the respondents, without any further comment. It is clarified that these are mere observations based upon the state of the record of the present petition and are not to be interpreted as findings of fact recorded upon any factual controversy between the parties.

7. Rule is accordingly discharged with no order as to costs. Interim relief if any stands vacated.

20.08.1999 (Y.B. BHATT J.)